

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability company,) CASE NO. 3:17-cv-05760-BHS
vs. Plaintiff,)
vs.) **AGREED MOTION TO CONSOLIDATE**
vs.) **CASES PURSUANT TO FEDERAL RULE**
vs.) **OF CIVIL PROCEDURE 42(a) and LCR**
vs.) **42**
vs. KEVIN SYKES-BONNETT and SYKED)
vs. ECU TUNING INCORPORATED, a) **NOTING DATE: MARCH 2, 2021**
vs. Washington corporation, and JOHN)
vs. MARTINSON,)
Defendants.

Plaintiffs HP TUNERS, LLC, a Nevada limited liability company (“HPT”), with the agreement of Defendants, KEVIN SYKES-BONNETT (“Sykes-Bonnett”), SYKED ECU TUNING INCORPORATED (“Syked Tuning”), JOHN MARTINSON (“Martinson”), and SYKED PERFORMANCE ENGINEERING, LLC (“Syked Performance”)¹ (collectively,

¹ Defendant, Syked Performance Engineering, LLC is the Defendant in the related case No. 3:20-cv-05973 sought to be consolidated into this Case No. 3:17-cv-05760.

“Defendants”), brings this Motion to Consolidate Cases pursuant to Federal Rule of Civil Procedure 42(a) and in support thereof states as follows:

By this motion, Plaintiff HPT seeks to have the related case No. 3:20-cv-05973 entitled *HP Tuners, LLC v. Syked Performance Engineering, LLC* (the “Successor Litigation”) consolidated and merged into the present case by agreement of all parties in both cases. Due to the common questions of law and fact, parties, and discovery, Plaintiffs and Defendants agree to merge and consolidate the referenced cases for all purposes, including trial.

This proposed consolidation and merger is not expected to impact any presently scheduled dates or deadlines, or otherwise result in delay of this Case No. 3:17-cv-05760. Accordingly, this motion seeks to maintain all scheduling in the instant case and leave all present dates and deadlines undisturbed.

Both matters are currently pending before this Honorable Court, which has emphasized the import of consolidation avoiding unnecessary litigation costs, preserving judicial economy, allowing for the efficient resolution of the controversy among the parties, and ensuring that inconsistent verdicts do not arise in the two cases. *Kemper Sports*, 2007 U.S. Dist. LEXIS at *6.

As this Court has stated, “finally, and most importantly, the parties to both actions agree that consolidation is proper.” *Id.*

WHEREFORE, HP TUNERS, LLC, respectfully prays that this Honorable Court grant its Unopposed Motion to Consolidate Cases, and order that Case No. 3:20-cv-05973 be merged and consolidated into the present case for all purposes, including trial, and to maintain the current scheduling in this case without modification, and for such other and further relief which this Honorable Court deems necessary and appropriate.

Dated this 2nd day of March, 2021

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FEDERAL RULE OF CIVIL PROCEDURE 42(a) - page 2

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Respectfully submitted,

ATTORNEYS FOR PLAINTIFF

s/ Andrew P. Bleiman

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2021, I caused the foregoing to be electronically filed with the Clerk of Court using the **CM/ECF system** which will electronically send Notice to all Counsel of Record.

MARKS & KLEIN

s/ Andrew P. Bleiman

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FEDERAL RULE OF CIVIL PROCEDURE 42(a) - page 3

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